

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:05CV84-MU-02

MALIK EL JIHAD TALIB ADIB,)
 Plaintiff,)
)
 v.)
)
BRUCE PITTMAN, Unit Manager at))
 Avery-Mitchell Correctional)
 Institution;)
BEATRICE MCGEE, Nurse at the)
 Avery-Mitchell Correctional)
 Institution;)
LANDER CARPENING, Administra-)
 tor at Avery-Mitchell Cor-)
 rectional Institution;)
_____))

ORDER

THIS MATTER comes before the Court on its own motion.

On April 6, 2005, the plaintiff filed a Complaint under 42 U.S.C. §1983. Upon this Court's initial review of that matter, it was determined that the plaintiff's Complaint was subject to dismissal as to all but the three above-identified defendants. Accordingly, on May 4, 2005, the Court entered an Order dismissing the plaintiff's Complaint against everyone but defendants Bruce Pittman, Beatrice McGee and Lander Carpening. Further, such Order directed the three remaining defendants to file responses to the plaintiff's Complaint in accordance with the Federal Rules of Civil Procedure.

However, the Court's Order neglected to direct the Clerk of

Court to prepare and issue process to the U.S. Marshal so that the Marshal could serve process upon the three defendants. Such directive is necessary inasmuch as the plaintiff was allowed to proceed with this action on in forma pauperis status. Consequently, by this Order, the Court now will direct the Clerk to prepare process and serve it upon the defendants as set forth hereafter.

NOW, THEREFORE, IT IS ORDERED:

1. That in addition to the directives set forth in the Court's Order of May 4, 2005, the Clerk shall prepare process for the three remaining defendants and deliver same to the U.S. Marshal;

2. That the U.S. Marshal shall serve process upon the defendants; and

3. That the time in which the defendants have to file their responses shall be calculated from the date that this Order is filed, not the May 4, 2005 Order.

SO ORDERED.

Signed: May 5, 2005

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
Chief United States District Judge

